

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 North Grand Avenue East, P.O. Box 19276, Springfield, Illinois 62794-9276 • (217) 782-2829 James R Thompson Center, 100 West Randolph, Suite 11-300, Chicago, IL 60601 • (312) 814-6026

PAT QUINN, GOVERNOR

DOUGLAS P. SCOTT, DIRECTOR

October 20, 2010

CERTIFIED MAIL # 7001 2510 0002 5281 5524

Phone: 217-782-9289 TDD: 217-782-9143

RETURN RECEIPT REQUESTED

Robinson Bradshaw and Hinson Attn: Messrs, William W. Toole and Daniel B. Vorhaus 101 North Tryon Street

Suite 1900

Charlotte, North Carolina 28246

RE: NOTICE OF INCOMPLETENESS OF CLAIM TO BE EXEMPT FROM

PUBLIC DISCLOSURE 1198010003--Madison Hartford--Estate of Chemetco

Compliance

Dear Messrs. Toole and Vorhaus,

The Illinois Environmental Protection Agency (Illinois EPA) has determined that your claim identified as Response to CERCLA 104(e) Information Request (CommmScope, Inc.) dated May 23, 2008, as "EXEMPT/CONFIDENTIAL BUSINESS INFORMATION" (in-whole or inpart), and therefore is not subject to disclosure under the Freedom of Information Act ("FOIA") 2 (5 ILCS 140/1 et seq.), is incomplete.

Required Elements for a Complete Claim that Public Records are Exempt from Disclosure

Pursuant to 2 Ill. Adm. Code Section 1828.401, several elements are required for a claim of exemption from public disclosure for public records submitted to the Illinois EPA, These requirements, contained in Section 1828.401, are listed below:

Section 1828.401 Claims By Submitters That Public Records Are Exempt From Disclosure

- A claim that a public record is exempt from public disclosure pursuant to Section a) 1828.202 must be made at the time of submittal of the public record.
- b) A claim that a public record is exempt from public disclosure must include:
 - 1) A claim letter, stating that the public record is exempt from public disclosure pursuant to Section 1828.202, identifying all exemptions that apply, and briefly describing the public record;

US EPA RECORDS CENTER REGION 5

Des Plaines • 9511 W. Harrison St., Des Plaines, IL 60016 • (847) 294-4000 Peoria • 5415 N University St., Pearia, IL 6,16),4. (309) 693-5463 Champaign • 2125 5 First St., Champaign, 北 61220 6 77 27年5006 Marion • 2309 W Main St., Suite 116, Manon, IL 62959 • (618) 993-7200

Rockford • 4302 N. Main St., Rockford, IL 61103 • (815) 987-7760 Elgm • 595 S State, Elgin, IL 60123 • (847) 608-3131 ureau of Land - Peoria • 7620 N. University St., Peoria, IL 61614 • (309) 693-5462 Collinsville = 2009 Mall Street, Collinsville, IL 62234 • (618) 346-5120

- A) Mark the public record with the words Public Record Claimed Exempt-in-Part in red ink on the face or front of the public record. If submitted in electronic format, the public record must clearly marked in bold at the top or front of the public record with the words Public Record Claimed Exempt-in-Part;
- B) Indicate on the face or beginning of the public records which portion of the public record is claimed to be exempt from disclosure;
- C) Mark every portion of the public record which is claimed to be exempt from disclosure with the words *Public Record Claimed Exempt*; and
- D) Furnish the Agency with a second copy of the public record that is marked in accordance with (A) and (B) of this subsection and from which the portion of the public record that is claimed to be exempt from disclosure is deleted.

identifying all exemptions that apply and briefly describing the

Deficiencies of Claim

The following deficiencies were found in your claim of exemption from public disclosure:

Section 1828.401(b)(1) A claim that a public record is exempt from public disclosure pursuant must include a claim letter, stating that the public record is exempt from public disclosure pursuant to Section 1828.202,

public record.

Section 1828.401(b)(2)(B) If the submittal is not a subsequent version of a public record previously granted exempt status by the Agency, the following

information is applied:

Section 1828.401(b)(2)(B)(i) Measures taken by the submitter to prevent disclosure of the public record:

Section 1828.401(b)(2)(B)(ii) The rights of privacy, if any, that might be invaded by the disclosure of the public record;

Section 1828 401(b)(2)(B)(iii) The competitive value, if any, of the public record to the submitter; and

Section 1828.401(b)(2)(B)(iv) Any other information that will support the claim for exemption from disclosure.

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided).
Postage 5 Cortified Fee OT Postage 7
Return Peccept Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Regulred)
Total Postage Robinson Bradshaw and Hinson
Sent To Attn. Messrs William W Toole and
Daniel B. Vorhaus or PO Box No City, State 27F Charlotte, NC 28246

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A Signature X O Agent Addressee B Received by (Printed Name) C Date of Delivery
. Article Addressed to:	D! It delivery andress different from item 1? Yes If YES, enter delivery address below: No
Robinson Bradshaw and Hinson Attn: Messrs. William W Toole and Daniel B Vorhaus 101 N Tryon St, Suite 1900	
Charlone, NC 28246	3. Service Type Cartified Mail Registered Registered Cartified Mail Cartified Mail Cartified Mail Cartified Mail Cartified Mail
	4. Restricted Delivery? (Extra Fee)
2. Article Number 7001 2510 0	002 5281 5524
	turn Receipt 102595-02-M-1540 t

Review of Illinois EPA Determinations

This determination may be reviewed pursuant to the procedures described in 2 Ill. Adm. Code 1828.405. Specifically, those procedures state that if you choose to appeal this decision in-whole or in-part, you must send a Notice of Appeal to the Director of the Illinois EPA within thirty-five (35) days of the date of this letter. The Notice of Appeal must:

- 1) be in writing;
- 2) be clearly marked APPEAL OF CLAIM OF EXEMPTION FROM DISCLOSURE; and
- 3) include a copy of this denial letter and a statement of the reasons why the claim should be granted on appeal.

Within seven (7) working days after receipt of the Notice of Appeal, the Director shall notify you by certified mail, return-receipt requested, either that the Illinois EPA's denial has been confirmed or that your claim of exemption from disclosure is granted, in-whole or in-part.

If the Director confirms the Illinois EPA's denial, you may petition the Circuit Court for review within thirty-five (35) days of the date of the Director's determination.

Release of Document Deemed Not Exempt From Public Disclosure

The Illinois EPA will cease protecting the public record identified as: Response to CERCLA 104(e) Information Request (Commscope, Inc.), dated May 23, 2008, as "exempt from public disclosure" unless the Illinois EPA is served with a notice of filing of a petition for review within thirty-five (35) days from the date of this letter. If no appeal is made, the aforementioned record will no longer be exempt from disclosure.

Sincerely,

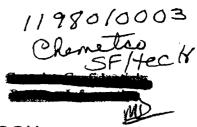
Thomas J. Reuter FOIA Officer (acting)

Illinois Environmental Protection Agency

TJR/med

cc: Bureau of Land File

08-37820



ROBINSON BRADSHAW & HINSON

May 23, 2008

VIA FED EX

Erin J. Rednour, Remedial Project Manager Illinois Environmental Protection Agency Bureau of Land Division of Remediation Management Mailcode 24 Post Office Box 19276 Springfield, Illinois 62794-9276 Techlaw
Attn: Ann Anderson
205 West Wacker Drive
Suite 1622
Chicago, Illinois 60606

FILE COPY

Dear Ms Rednour

This letter is written on behalf of CommScope, Inc. ("Respondent") and is in response to a request for information (the "Information Request") by the Illinois Environmental Protection Agency (the "Illinois EPA") dated February 22, 2008 and concerning the Chemetco, Inc. site in Hartford, Illinois (the "Chemetco Site"). Robinson, Bradshaw & Hinson, P.A. has been retained by Respondent with regard to the above-referenced matter, and this response is made in accordance with the extended due date confirmed in electronic correspondence with Mr. Mike Roubitchek dated February 28, 2008 providing that no response shall be due before May 27, 2008.

At the outset, Respondent objects to the scope of the Information Request Illinois EPA seeks information pursuant to §4(e) of the Illinois Environmental Protection Act and §104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA") as amended by the Superfund Amendments and Reauthorization Act of 1986 ("SARA").

§104(e) of CERCLA, as amended by SARA, authorizes Illinois EPA to request information concerning only: (1) the identification, nature and quantity of materials at or transported to a "facility," as that term is defined by CERCLA; (2) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at a facility; and (3) the ability of a person to pay for or perform a cleanup. Moreover, §104(e)(1) limits the exercise of Illinois EPA's investigative authority to instances which involve "determining the need for response, or choosing or taking any response action under this subchapter, or otherwise enforcing the provisions of this subchapter."

Notwithstanding the narrowness of this section and its discreteness in terms of specific areas of inquiry, the Illinois EPA has requested information about several areas which go far

RECEIVED

Attorneys at Law

SAST-JOB-A931

MAY 2 7 2008

IEPA-BOL-FSRS

101 North Tryon Street, Suite 1900, Charlotte, NC 28246

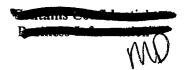
Charlotte, NC Chapel Hill, NC Rock Hill, SC

800S 7 S YAM

Www.rbh.com
AppEnc_of

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AV 20 2011 Nonalexo AS-19-7011 MAN



COMMSCOPE, INC.

RESPONSE TO REQUEST FOR INFORMATION

Questions and Responses

1. Identify the person(s) answering this Information Request on behalf of the Respondent.

William W. Toole Environmental Counsel Robinson, Bradshaw & Hinson, P.A. 101 N. Tryon Street, Suite 1900 Charlotte, NC 28246 704-377-8373 Daniel B Vorhaus Environmental Counsel Robinson, Bradshaw & Hinson, P.A. 101 N. Tryon Street, Suite 1900 Charlotte, NC 28246 704-377-8111

Chemetco Site CERCLA §104(e) Information Request Page 5 of 19

Attachment #1

CommScope, Inc. Subsidiaries



4. Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

Respondent incorporates herein by reference its response to Question number 6, including the documents referenced and attached thereto. In addition, Respondent attaches the following document:

Attachment #2 Customer Inquiry and Chemetco Billing and Invoice Records

This attachment represents the extent of Respondent's internal records regarding transactions between Respondent and Chemetco occurring at any time prior to, during or subsequent to the Bid Period (defined below). A customer inquiry record was generated for "Chemetco," along with known variants or linked accounts, in the Accounts Receivable Database computerized system and the attached spreadsheet represents Respondent's complete records concerning all Chemetco billing and invoicing. For ease of reference in reviewing the attachment, the spreadsheet column "Quantity Ordered" indicates, for a particular transaction, the number of pounds of Copper Scrap ordered by Chemetco and delivered by Respondent, while the column "Amount Ordered" indicates the amount billed for such order.

5. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide the current or most recent known address and telephone number of each individual identified.

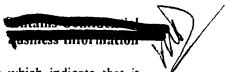
Respondent incorporates herein by reference its responses to Questions number 2 and number 9. Respondent has no reason to believe that there are any additional individuals able to provide more detailed or complete information with respect to any question or response contained in the Information Request.

6. Describe your company's business activities which resulted in sending material to the Chemetco Site.

At no time did Respondent send any materials to the Chemetco Site. Respondent conducted all of its transactions involving Chemetco exclusively with a Chemetco facility located at 3445 Spencer St, Charlotte, NC 28205 (the "Charlotte Plant")

Respondent manufacturers telecommunications cables, among other products. As part of Respondent's ordinary manufacturing operations, Respondent collects scrap communications cables and other ancillary materials for sale at competitive prices. Respondent's relationship with Chemetco commenced in December of 1999. On December 17, 1999, in the ordinary course of its business, Respondent distributed a letter offering 18 separate categories of scrap material for sale to the highest bidder, separately or together, with the winning bids to be those that generated the greatest revenues for Respondent from a creditworthy customer. By January

Chemetco Site CERCLA §104(e) Information Request Page 7 of 19



later Respondent has conducted an exhaustive search of its records which indicate that it shipped Copper Scrap to the Charlotte Plant solely during the period from June 15, 2000 until March 12, 2001 (the "Bid Period") Illinois EPA has provided Respondent with information from an unknown source indicating that Chemetco purchased Copper Scrap from Respondent during the period from March of 2000 until June of 2000, in addition to the Copper Scrap that it purchased during the Bid Period. Despite its best efforts Respondent has been unable to confirm that such sales took place.

Throughout the Bid Period, each shipment from Respondent to the Charlotte Plant originated at Respondent's facility located at 6519 CommScope Road, Catawba, NC 28609 (the "Catawba Facility") The Copper Scrap, which was generated by several of Respondent's facilities, was aggregated at the Catawba facility where employees knowledgeable of and trained in Respondent's scrap recycling and resale methods and procedures collected, cleaned and sorted the Copper Scrap and then prepared and packaged it for sale.

Copper #1 scrap and copper #2 scrap were collected, separately packaged in one or more 4' x 4' x 4' Gaylord boxes and then affixed to wooden pallets for shipment. Copper turnings were separately loaded into the Gaylord boxes using industry standard packaging methods, including double-lining of the Gaylord boxes and usage of a commercially available absorbent (Pig sock, or equivalent) at the bottom of the boxes, to prevent leakage of residual Copper Cutting Fluid, if any. The copper turnings were then similarly loaded on the pallets and readied for shipment.

Pursuant to the bid contract between Respondent and Chemetco, and as with the majority of all of its sales (including those for finished cable on reels) made during the Bid Period, Respondent paid the freight and delivery costs for the shipments of Copper Scrap to the Charlotte Plant. Each shipment was sent directly from the Catawba Facility to the Charlotte Plant. At no time before, during or after the Bid Period did Respondent deliver any Copper Scrap or other material to the Chemetco Site.

Once the shipments were delivered to the Charlotte Plant the sale of the Copper Scrap was complete, the shipment was invoiced and recorded, and Respondent permanently and irrevocably relinquished control of the Copper Scrap in favor of Chemetco Respondent's records indicate that on four occasions Chemetco was issued an account credit for Copper Scrap overcharges or double billing, however, on no occasion did Chemetco ever seek to return or resell, or Respondent accept for return or repurchase, any Copper Scrap sold to Chemetco by Respondent Over the course of the Bid Period Respondent's productive use of its Copper Scrap, as described herein, resulted in the delivery of 998,267 pounds and the net sale of \$743,660 of Copper Scrap to Chemetco.

At no time prior to, during or subsequent to the Bid Period did Respondent (i) know of the existence of the Chemetco Site; (ii) arrange for or approve Chemetco's shipments, if any, of Copper Scrap from the Charlotte Plant to the Chemetco Site; (iii) arrange for the disposal or treatment of any hazardous substance by Chemetco; (iv) exercise, attempt to exercise or have the ability to exercise control over the manner in which Chemetco used the Copper Scrap or chose to handle or dispose of the byproducts, waste products or other products resulting from Chemetco's processes; or (v) receive any information concerning the failure or alleged failure of Chemetco at

Chemetco Site CERCLA §104(e) Information Request Page 9 of 19



Chemetco or the Chemetco Site. Without waiver of the foregoing objections, the individuals who had responsibility for Respondent's environmental matters during the Bid Period are listed as follows:

Name ·		<u>Title</u>	٠,	<u>Dates</u>		Description
Charles Rowe	J.	Conservation Recycling Manager	&	10/1/98 12/31/00	-	See Attachment #8 - CommScope Recycling & Conservation Manager Job Description
Richard Burch		Conservation Recycling Manager	&	12/31/00 12/31/05	-	See Attachment #8 - CommScope Recycling & Conservation Manager Job Description

10. Provide all information in your possession that shows that you were in compliance with applicable federal environmental regulations or standards regarding the recycling of materials, particularly Section 127 of CERCLA, 42 U.S.C. 9627, sent to the Chemetco Site.

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, send any material to the Chemetco Site for purposes of recycling or for any other purpose.

11. Was any shipment of material sent to the Chemetco Site ever refused and/or returned? If so, describe this event in detail, including its cause and outcome.

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, ship any material to the Chemetco Site.

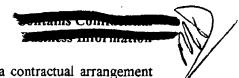
12. Was any material shipment sent to the Chemetco Site ever subject of a change in payment terms because of increase of handling costs or any problem with the material sent to the Site? If so, describe this event in detail, including its cause and outcome.

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, ship any material to the Chemetco Site.

13. Provide copies of the Material Data Safety Sheets for any materials disposed of or shipped to or stored at the Chemetco Site.

Respondent incorporates herein by reference its response to Question number 6 and reiterates that at no time did it arrange to have any material disposed of or shipped to or stored at the Chemetco Site.

14. Have you ever received a formal Information Request [similar to this one] from local, state or federal government concerning the recycling of materials at other scrap yards? Provide a copy of the Request and your response

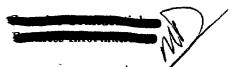


- (a) Identify whether the materials were sent pursuant to a contractual arrangement and, if so, describe the terms of that arrangement.
- (b) Identify whether the materials were delivered directly to the Chemetco site or were trans-shipped there from another intermediate delivery point. If applicable, describe each such delivery point.
- (c) Identify the persons involved in sending such material to the Site.
- (d) State the dates on which each such persons may have transported or delivered for transport such material.
- (e) Describe the source of or the process that produced the materials.
- (f) Describe the materials or items, including type of material, chemical content, physical state, quantity by volume and weight, and other characteristics.
- (g) Describe the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous substances involved in each such arrangement
- (h) State whether any of the material was ever tested by your company and if so, whether the hazardous substances exhibited any of the characteristics of a hazardous waste identified in 35 Illinois Administrative Code 721, Subpart C or 40 C.F.R. 261, Subpart C
- (i) Describe what was done to materials once they were brought to the Chemetco Site, including any further processing of the materials.
- (j) Describe as precisely as possible any and all of the locations at which each hazardous material involved in such transactions actually was disposed or treated.
- (k) Describe any measures taken by the Respondent prior to or during each arrangement to determine the compliance history of the Site where the treatment of disposal would actually take place

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, transport or dispose, or arrange for the transportation, treatment or disposal of, any substance or material, including hazardous substances or other waste materials, at or to the Chemetco Site.

- 19. Describe in general detail the types of material that your company arranged for the transportation of or transported for recycling at Chemetco. In your response, please provide answers to the following questions:
 - (a) Give the generic name of each type of materials shipped to Chemetco (e.g., scrap metal, batteries, scrap paper, scrap plastic, scrap textile (scrap material), scrap electronic equipment, etc.),

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- (g) Could any products made from the scrap metal listed in your response to question 21(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
- (h) Did your company melt the scrap metal listed in your response to question 21(a) before it was transported/delivered to the Site? If yes, describe the process used for melting the scrap metal In addition, explain whether Chemetco ever received for processing "dross" or "skimmings" or "sludges" at the Site.
- (i) Was the transaction between your company and Chemetco: 1) an outright sale; 2) subject to a written or verbal "tolling" agreement between the companies, or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date?
- (j) Describe the source of or the process that produced the materials.

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, transport or dispose, or arrange for the transportation, treatment or disposal of, any substance or material, including hazardous substances or other waste or scrap materials, at or to the Chemetco Site.

22. Did any of the scrap material sent to Chemetco contain other material(s) incident to or adhering to the scrap? If so, describe in detail.

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, send any scrap material or other material to the Chemetco Site.

23. Did any of the material sent to Chemetco contain wire or wiring? If so, was the wire's insulation first stripped before being shipped to or accepted at Chemetco, after being received at the Site, or was the wire not stripped?

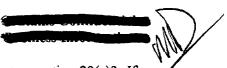
Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, send any scrap material or other material to the Chemetco Site.

24. Did the material shipped include drums or shipping containers? If so, specify the generators of the drums or shipping containers, the capacity of such drums or containers and whether such containers ever contained liquid of any sort. If so, specify the type of liquid and whether such liquids contained wastes of any kind.

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, ship any scrap material or other material to the Chemetco Site.

25. Describe all efforts (i e., site visits) taken by your company to determine what would be done with the scrap metal identified in your response to question 21(a).

Respondent incorporates herein by reference its response to Question number 6 and reiterates that it did not, at any time, transport or dispose, or arrange for the transportation, treatment or



- (c) Did a market exist for the batteries listed in your response to question 29(a)? If so, describe the nature of such market at the time of the transaction (possible uses, possible consumers, etc.) and the source of that commercial specification grade (e.g., Institute of Scrap Recycling Industries, Inc. (ISRI), Department of Defense, or wherever your company would find the grade published).
- (d) At the time of the transaction, what was the intended disposition of the batteries listed in your response to question 29(a)?
- (e) What portion of the batteries listed in your response to question 29(a) were to be made available for use as a feedstock for manufacturing new saleable products? Explain how the portion identified in this answer was derived or calculated.
- (f) Could the batteries listed in your response to question 29(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.
- (g) Could any products to be made from the batteries listed in your response to question 29(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
- (h) Was the transaction between your company and Chemetco: 1) an outright sale, 2) subject to a written or verbal "tolling" agreement between the companies; or 3) reflected the "banking" of the transacted material in a metal account at the request of your company for return or other disposition at a later date.
- (i) What, if any, components of the whole batteries listed in your response to question 29(a) were removed before transport to the Site? Describe what was removed, and where such removal occurred. Include in your description any attempt to remove any hazardous substances (e.g., battery paste/mud, battery acid) from the components
- (j) Were the components of the whole batteries removed once delivered to the Chemetco Site? Describe the method used to recover the components. Include in your description any attempt to remove any hazardous substances (e.g., battery paste/mud, battery acid) from the components.
- (k) Describe the source of or the process that produced the materials.

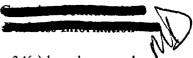
Respondent has not participated with Chemetco in any transaction involving batteries.

30. Describe all efforts (i e., site visits) taken by your company to determine what would be done with the batteries identified in your response to question 29(a).

Respondent incorporates herein by reference its response to Question number 29.

What steps (e.g., internal procedures, federal, state, and local compliance inquiries) were taken by your company to ensure that Chemeto was in compliance with applicable

Chemetco Site CERCLA §104(e) Information Request Page 17 of 19



- (f) Could the scrap material listed in your response to question 34(a) have been used as a replacement or substitute for a virgin raw material? If so, provide details.
- (g) Could any products to be made from the scrap material listed in your response to question 34(a) have been used as a replacement or substitute for a product made, in whole or in part, from a virgin raw material? If so, provide details.
- (h) Describe the source of or the process that produced the materials.

Respondent has not participated with Chemetco in any transaction involving scrap paper, plastic, glass, textiles or rubber.

35. Describe all efforts (i.e., site visits) taken by your company to determine what would be done with the scrap material identified in your response to question 34(a).

Respondent incorporates herein by reference its response to Question number 34.

What steps (e.g., internal procedures, federal, state, and local compliance inquiries) were taken by your company to ensure that Chemetco was in compliance with applicable Federal, State, or Local environmental regulations or standards, and any amendments with respect to scrap material?

Respondent incorporates herein by reference its response to Question number 34.

37. Describe the efforts of your company undertook with respect to the management and handling of the scrap material listed in your response to question 34(a), including the extent to which you complied with customary industry practices current at the time of the transaction designed to minimize contamination of the Site and/or releases of hazardous substances at the Site.

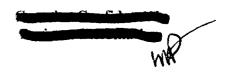
Respondent incorporates herein by reference its response to Question number 34.

38. Provide all information in your possession that shows that you were in compliance with applicable Federal environmental regulations or standards regarding the storage, transport, management, or other activities associated with the recycling of scrap material listed in your response to question 34(a).

Respondent incorporates herein by reference its response to Question number 34

Questions and Request for Documents Related to Electrical and Electronic Equipment

- 39. For the following questions which relate to transactions involving electrical and electronic equipment (e.g., transformers, capacitors, white goods, computers or other electrical equipment), provide the requested information, and also provide copies of any documents that contain any information that is related to the response.
 - (a) List an estimated number of shipments of electrical and electronic equipment your company sent to Chemetco on an annual basis. In this list, include the following:



If you have further questions please do not hesitate to contact either me or my colleague. Daniel Vorhaus.

Sincerely,

ROBINSON, BRADSHAW & HINSON, P.A.

Villiam W. Toole

WWT/dbv

Enclosures

cc: John E. Moore

Frank B. Wyatt, II

COMMSCOPE, INC. SURSIDIARIES

Nama	Jurisdiction of Incorporation/Organization
CommScope, Inc. (Registrant)	Delaware.
Commiscope, Inc. of North Carolina	North Carolina
Andrew Corporation	Delaware
Andrew AG	Switzerland .
Andrew Telecommunications (India) Private Limited	India.
Andrew Corporation Mauritius	Mauritius
Andrew Telecommunication (China) Co., Ltd	. China
Allen Telecom LLC	Delaware
CommScope International Holdings, LLC	Dolaware
Connectivity Solutions Manufacturing, Inc. (CSMI)	Delaware
Cable Transport; Inc.	North Carolina

CUSTOMER INQUIRY

ACCT NO. --> IL1419

DELETED ACCOUNT

ACCT NAME

CHEMETCO

OLDENBERG ROAD

RT 3

HARTFORD

IL

62048

VALUE OF OPEN ORDERS

SORT NAME

CHEMETCO

SLSMN

60

OPEN ACCOUNTS RECEIVABLE INFORMATION

TERMS

CLS/GRP

19KA NETWORK CABLE (ALL)

TAI

D1

SOLDTO

TX2340

DATE ENTERED 87/05/06

CREDIT REVIEW 0/00/00

PRESS ENTER TO CONTINUE OR CMD-6 TO DISPLAY AND/OR KEY COMMENTS CMD-8 TO ENTER PHONE# INFO OR CMD-5 TO DISPLAY AND/OR KEY CUSTOMER HISTORY

18431 CO	125562 CHEMETCO	28957	22,679 12	125562 COPPER #1 SCRAP	17	\$0005	1/19/2001	574113 RM	1/19/2001	1/19/2001
18431 CO	125562 CHEMETCO	1564	1,084 16	125562 COPPER #2 SCRAP	17	S0006	1/19/2001	574113 RM	1/19/2001	1/19/2001
18476 CO	125562 CHEMETCO	5188	3,469 22	125562 COPPER TURNINGS	17	S0026	1/23/2001	575072 RM	1/23/2001	1/24/2001
18476 CO	125562 CHEMETCO	6188	4,818 60	125562 COPPER #1 SCRAP	17	S0005	1/23/2001	575072 RM	1/23/2001	1/24/2001
18476 CO	125562 CHEMETCO	23588	16,245 06	125562 COPPER #2 SCRAP	17	\$0008	1/23/2001	575072 RM	1/23/2001	1/24/2001
18478 CO	125562 CHEMETCO	2449	1,656.01	125562 COPPER TURNINGS	17	S0026	1/23/2001	575074 RM	1/23/2001	1/24/2001
18478 CO	125562 CHEMETCO	9118	7,442 11	125562 COPPER #1 SCRAP	17	S0005	1/23/2001	575074 RM	1/23/2001	1/24/2001
18478 CO	125562 CHEMETCO	28203	20 481 02	125562 COPPER #2 SCRAP	17	\$0006	1/23/2001	575074 RM	1/23/2001	1/24/2001
18647 CO	125562 CHEMETCO	673	460 47	125562 COPPER TURNINGS	17	S0026	1/26/2001	576156 RM	1/26/2001	1/26/2001
18647 CO	125562 CHEMETCO	12994	10,319 83	125562 PE BLEEDOUT SCRAP	17	\$0007	1/26/2001	576156 RM	1/26/2001	1/26/2001
18647 CO	125562 CHEMETCO	26208	18,455 67	125562 COPPER #2 SCRAP	17	80008	1/26/2001	576156 RM	1/26/2001	1/26/2001
18648 CO	125562 CHEMETCO	5188	3,469 22	125562 COPPER TURNINGS	17	80026	1/26/2001	576157 RM	1/26/2001	1/26/2001
18648 CO	125562 CHEMETCO	6188	4,818 60	125562 COPPER #1 SCRAP	17	\$0005	1/26/2001	576157 RM	1/26/2001	1/26/2001
18648 CO	125562 CHEMETCO	23588	16,245 06	125562 COPPER #2 SCRAP	17	S0006	1/26/2001	576157 RM	1/26/2001	1/26/2001
18714 CO	125562 CHEMETCO	3798	2,640 37	125562 COPPER TURNINGS	17	\$0026	2/5/2001	578640 RM	2/6/2001	2/7/2001
18714 CO	125562 CHEMETCO	7652	6,161 39	125562 COPPER #1 SCRAP	17	S0005	2/5/2001	578640 RM	2/6/2001	2/7/2001
18714 CO	125562 CHEMETCO	26225	18,756 12	125562 COPPER #2 SCRAP	17	\$0006	2/5/2001	578640 RM	2/6/2001	2/7/2001
19355 CO	125562 CHEMETCO	14037	10,895 52	125562 COPPER #1 SCRAP	17	\$0005	3/6/2001	586061 RM	3/6/2001	3/8/2001
19355 CO	125562 CHEMETCO	27188	18,656 41	126562 COPPER #2 SCRAP	17	\$0006	3/6/2001	586061 RM	3/6/2001	3/8/2001
19377 CO	125562 CHEMETCO	-5188	-3,469.22	125562 COPPER TURNINGS	17	S0026	3/15/2001	590547 RM	3/22/2001	3/23/2001
19377 CO	125562 CHEMETCO	-6188	-4,818 60	125562 COPPER #1 SCRAP	17	S0005	3/15/2001	590547 RM	3/22/2001	3/23/2001
19377 CO	125562 CHEMETCO	-23588	-16,245.06	125562 COPPER #2 SCRAP	17	<i>\$000</i> 6	3/15/2001	590547 RM	3/22/2001	3/23/2001
19587 CO	125562 CHEMETCO	3001	2,116.31	125562 COPPER TURNINGS	17	\$0026	3/12/2001	588059 RM	3/13/2001	3/13/2001
19587 CO	125562 CHEMETCO	6527	5,320 81	125562 COPPER #1 SCRAP	17	\$0005	3/12/2001	588059 RM	3/13/2001	3/13/2001
19587 CO	125562 CHEMETCO	23457	17,011 02	125562 COPPER #2 SCRAP	17	\$0006	3/12/2001	588059 RM	3/13/2001	3/13/2001



Reprints/Updates of this OSHA MSDS are available at our website, WWW.MILPRO.COM.

MATERIAL SAFETY DATA SHEET

VALCOOL® VNT® 650

METALWORKING FLUID CONCENTRATE

MSDS: VCO650

FS: 15-Mar-98: 9454: 1633

DATE EFFECTIVE: 3/28/99

PART # 15-00-542

1. CHEMICAL PRODUCT AND COMPANY IDENTIFICATION					
Manufacturer:	Emergency Telephone Number: 1-800-424-9300 (CHEMTREC)				
Valenite Incorporated	Information Telephone Number: 1-800-488-9073				
31700 Research Park Drive	Generic Name: Water Soluble Metalworking Fluid				
Madison Heights, MI 48071	Сопрытате				
٦	Product Name(s) & Code(s): VNT 650 UNDYED 436; VNT 650 BLUE 435;				

2. EMERGENCY INFORMATION

Product is alkaline. Product is a primary eye imitant. Product is combustible. Highway spills could result in silppery conditions. No other significant health effects are associated with this material.

3. POTENTIAL HEALTH EFFECTS OF DIRECT EXPOSURE						
	Product Concentrate	Product at Use Dilution				
inhalation	Not Applicable.	Extended Exposure to mists may cause upper respiratory irritation.				
Eye Contact	Product is a primary eye irritant.	Will cause stinging sensation in the eye.				
Skin Contact	Product is not a primary skin irritant.	Not irritating to the skin when used as directed and good personal hygiene is practiced.				
Ingestion	Not orally toxic.	Swallowing small quantities may cause nausea or diarrhea.				

5. HAZARDOUS INGREDIENTS/IDENTITY INFORMATION

These ingredients may contribute to the acute product hazards listed under the Potential Health Effects section. Other substances, not Hazardous under the OSHA Hazard Communication Standard may be present. Further composition information may be available to health professionals as provided in the Standard.

HAZARDOUS COMPONENTS	CAS#	MAX %
Mineral oil (severely hydrotreated)	64742-52-5	80
Ethanolamine	141-43-5	10
Polyethoxylated propoxylated alcohol	69227-21-0	10

7. FIRE AND EXPLOSION HAZARD DATA							
Flash Point (COC): 385°F							
Flammable Limits:							
Lower Explosive Limit: NA Upper Explosive Limit: NA							
Extinguishing Media: Chemical foam, carbon dioxide, water fog, dry chemical							
Special Firefighting Procedure: None							
Unusual Fire a	ınd Explosion Ha	zards: None		\ \			
Hazardous Combustion Products: Smoke, fumes, HCl, oxides of carbon							
NFPA/HMIS Codes:	Health 1	Flammab	Rty 1	Reactivity 0	Other -		

8. ACCIDENTAL RELEASE MEASURES

Contain the spill, collect on absorbent material and discard as dictated by Federal, state and local regulations that may apply. Flush area thoroughly with water.

Reportable Quantity: None

9. WASTE DISPOSAL

For Used Mix: Disposal procedures must comply with local, county, state and Federal regulations, if pre-treatment is needed, ultraffitration or emulsion breaking may be used. Contact VALCOOL Technical Services at 1-800-488-9073 for assistance.

For Unused Concentrate: Concentrate is not a hazardous waste, as defined under 40 CFR 261.

1/7/00

13. TRANSPORT INFORMATION .							
Hazardous Materials Description and Proper Hazard Class Shipping Name (49 CFR 172.101): (49 CFR 172.101)							
BY LAND	Not a hazardous material.	NA					
BY AIR OR VESSEL (49 CFR 175-176)	NA	. NA					
U.S. Harmonized Tariff Code: 3403.19.0000							

14. REGULATORY INFORMATION						
EXPOSURE GUIDELINES			,			
REGULATED MATERIAL	NIOSH REL	osha Pel	OSHA STEL	ACGIH TLV	ACGIH STEL	
Metalworking Fluid Mist	0.5 mg/M ³					
Mineral oil (mist)		5 mg/M ³		5 mg/M³		
Ethanolamine		3 ppm		3 ppm	6 ppm	

CERCLA: Components present in this product at a level which could require reporting under 40 CFR 302.4 None

EPCRA (SARA) TITLE III Extremely Hazardous Substances (302): NA

Hazardous Substances (311, 312): Product concentrate is a hazardous substance as defined under the OSHA Hazard Communication Standard and may be reportable under the provisions of SARA Sections 311 and 312.

HAZARD CATEGORIES:

Acute Health: Yes

Chronic Health: No

Fire: Yes

Sudden Release of Pressure: No

Reactive: No

STEL Short-Term Exposure Limit

TCLP Toxicity Characteristics Leaching Procedure

TLV Threshold Limit Value

TSCA Toxic Chemicals Control Act

VOC Velatile Organic Compounds

NOTE: The opinions expressed herein are those of qualified experts within Valenite Incorporated and of their suppliers. We believe that the information contained herein is current as of the date of this Material Data Sheet. Since the use of this information and of these opinions and the condition and use of the product are not within the control of Valenite Incorporated, it is the user's obligation to determine the conditions of safe use of the product.

This is the last page

Material Safety Data Sheet ALKOLUB 8733

SECTION V - REACTIVITY DATA

CHEMICAL STABILITY:.....STABLE

CONDITIONS TO AVOID:N/A

INCOMPATIBILITY: STRONG OXIDIZERS.

DECOMPOSITION PRODUCTS: CARBON DIOXIDE, CARBON MONOXIDE AND VARIOUS HYDROCARBONS

MAY BE RELEASED DURING A FIRE.

HAZARDOUS POLYMERIZATION: WILL NOT OCCUR

SECTION VI - HEALTH HAZARD DATA

THRESHOLD LIMIT VALUE: NOT ESTABLISHED

OVER EXPOSURE EFFECTS/ROUTES OF ENTRY:

CAN CAUSE BY BIRRITATION PROLONGED OR REPEATED CONTACT WITH THE UNDILLTED PRODUCT CAN CAUSE SKIN DRYNESS OR IRRITATION, SWALLOWING THIS PRODUCT MAY CAUSE GASTROINTESTINAL IRRITATION, DIARRHEA, NAUSEA, AND VOMITING.

FIRST AID PROCEDURES:

FLUSH EYES WITH CLEAN WATER FOR AT LEAST 15 MINUTES AND GET MEDICAL ATTENTION, REMOVE CONTAMINATED CLOTHING AND WASH AFFECTED SKIN AREAS WITH MILD SOAP AND WATER. IN CASE OF INTOXIC ATION, GIVE OXYGEN, AVOID MOUTH-TO-MOUTH RESUSCITATION.

CHRONIC OVER EXPOSURE EFFECTS:

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CARCINOGENTLY INFORMATION:

NO COMPONENTS OF THIS PRODUCT ARE LISTED AS A CARCINOGEN BY IARC, NTP, OSHA, OR ACGIH

SECTION VII - SPILL OR LEAK PROCEDURE

FOR SPILL:

CONTAIN SPILL AND SALVAGE AS MUCH MATERIAL AS POSSIBLE BY PUMPING TO A SALVAGE TANK OR DRUM. PICK UP REMAINING MATERIAL WITH A SUITABLE ABSORBENT.

WASTE DISPOSAL METHOD:

DISPOSE OF ONLY BY METHODS APPROVED BY AND USED IN ACCORD WITH LOCAL, STATE AND FEDERAL REGULATIONS.

CommScope Scrap Processing Procedure

CommScope Scrap Flow Table

CommScope Chemical Disposal Guidelines

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CHEMICAL DISPOSAL GUIDELINES	200.03-PRO

b. Nonhazardous Waste

- Nonhazardous chemical waste may be managed as solld waste and disposed of accordingly.
- Care must be taken to ensure that the waste is properly classified as nonhazardous before a decision regarding ultimate disposal is made.

4.2.2. Liquid Wastes

a. Hazardous Liquids

- Hazardous liquid wastes are generally collected for disposal by placing them in a suitable waste disposal container in a satellite accumulation area within the generating area.
- These containers may be small cans (up to 5 gallons) or drums (up to 55 gallons).
- Waste streams should be separated according to compatibility and characteristic classes (i.e., acid, base, ignitable, etc.).
- The amounts of each chemical added to the container must be listed on the container such that all chemical contents and quantities will be known for proper evaluation of disposal.
- When full, the containers should be transported to the Hazardous Waste Accumulation Site for disposal by an outside waste disposal firm.

b. Aqueous Based Waste

- Aqueous based waste is defined as liquid waste composed of greater than 50% water and not containing solvents, halogenated wastes, or incompatible materials as defined in part "d" of this section and in Section 4.2.5.
- These wastes are generally disposed of by adjusting the pH of the material to between 5 and 9 and combining the material with a non-halogenated solvent waste stream.

c. Solvent Based Waste

- Solvent-based waste is defined as liquid waste composed of organic solvents but not containing halogenated or incompatible materials as defined in part "d" of this section and in Section 4 2.5.
- Solvent-based waste can be properly disposed by combining in an appropriately labeled container and shipping off-site for disposal when full. Note that solvent based wastes are typically managed as hazardous wastes.

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b. Hazardous Gases

- Unused hazardous compressed gases may be returned to the vendor if a suitable agreement is worked out beforehand.
- Otherwise, they should be collected and stored for off-site disposal by a suitable hazardous waste disposal firm.

4.2.5. Incompatible Materials

- a. Incompatible materials are defined as highly reactive, toxic, or unstable chemical compounds. Examples include, but are not limited to, strong oxidizing and reducing agents, organic peroxides, ethers, reactive monomers, cyanides, sulfides, azo-compounds, iocyanates, or heavy metals. To properly dispose of these materials, either render them chemically inert (i.e., through chemical reaction) or dispose of them as outlined in the guidelines for solid waste disposal in Section 4.2.3.
- b. The Safety and Environmental Representative should review any request for treatment of incompatibles prior to such treatment.
- 5. REFERENCES
- 6. APPENDICES

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RECYCLE- REUSE GUIDELINES	444.01-PRO

1. OBJECTIVE

1.1. To provide for a system and instructions for dealing with normal production waste, office and municipal type waste and any other special circumstances waste. Procedure provides general information on separation, collection, and removal.

2. SCOPE

2.1. The scope is to formalize CommScope's commitment to recycle and reuse the resources used in all CommScope facilities.

3. CONTENTS

- 4.1. Accountability-Coordinators
 - 4.1.1. Accountability
 - 4.1.2. Coordinators
- 4.2. Guidelines listed in Tables
 - 4.2.1. Guidelines for Materials Recycle/ Reuse in all Administrative/Facility Office areas
 - 4.2.2. Guidelines for Materials Recycle/ Reuse in Manufacturing/warehousing areas
 - 4.2.3. Guidelines for Recycle of Raw Material- Production Wastes

4. PROGRAM

4.1. Accountability and Coordinator(s)

4.1.1. Accountability

. All employees; every employee is involved with materials that can be recycled or reused.

4.1.2. Coordinator(s)

EHS Management

Recycling Manager

4.2. Guidelines Listed in Tables

The following tables list many items that can and should be recycled; however, if there are items to be recycled that are not on this list, then consult the EHS representative to assist in the determination for recycle, reuse or landfill disposal through the universal, non-hazardous, hazardous, recycle/reuse management systems

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4.2.2 Guidelines for Materials in the Manufacturing/warehousing areas

This section gives the general guidelines for recycling non production related items and some maintenance items not covered under hazardous waste management.

	Empty, depressurize and allow any contents to be removed from the aerosol can.
Aerosol Cans (lubricants, cleaning solutions,	Determine the material disposition and if needed to be handled as a hazardous waste according to the Hazardous Waste Management
pesticides, etc.)	Store the scrap aerosol cans and mark "Empty Aerosol Cans" on the label.
	Have the appropriate vendor pickup for recycling
	Segregate batteries by type
Batteries for	Lead-acid batteries not being regenerated (e.g., electrolyte replacement) or reclaimed must be managed in accordance with the Hazardous Waste Management.
Reclamation of Recycling	Alkaline batteries manufactured after May 13, 1996 may be disposed of in the trash.
Recycling	For batteries other than lead-acid (automotive type), dispose through the Hazardous Waste Program
	Have the appropriate vendor pickup for recycling
	Determine if there is any reuse or resale value; if so, dispose through the reuse/resale venue.
	Segregate metal as designated by the product and requirements of the recycler.
Building materials	Segregate all non metals as feasible from manufacturing waste/excess raw materials.
(concrete, wood, steel, etc.)	Determine there is not any hazardous or regulated substances (such as PCBs, mercury, asbestos);
	Dispose according to the type of material/ waste being eliminated.
	Have the appropriate vendor pickup for recycling
	Segregate to No. 1 Cardboard-Corrugated, UTV Copper Weld Reel Wraps, No. 2 Cardboard-Fiber Drums, Fiberboard, Recycled Cardboard and all other cardboard using in the packaging processes.
Cardboard; Packaging materials	Place these designated cardboards into their respective dumpsters/recycle bins labeled with the appropriate cardboard type.
	Have the appropriate vendor pickup for recycling

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4.2.3 Guidelines for Recycle of Raw Material- Production Wastes

This section was developed based on the current CommScope procedures used to segregate the product mix waste and the recycled product waste's final destination. The information was derived from referencing the Catawba procedures, Catawba Scrap Disposition Instructions, PWI 005-0601 and Scrap Reporting Procedures PWI 005-600 and 2006 EHS Recycle Materials Disposition.

The general guidelines are as follows:

- a. Determine the material to be recycled and categorize based on Table 4.2.3 below;
- b. Segregate the material and place in the recycle containers as designated;
- c. Ship the material to the accumulation facility for disposition;
- Keep accurate records of the amounts shipped by tracking the waste-recycle material through means such as but not limited to production reports, shipping manifests, etc.
- e. Have a central location for collection of data to retain for a minimum of 3 years.
- f. These records will be required for the yearly government reporting of Toxic Release Inventory data.

Table 4.2.3 - Raw Material - Production Wastes Basic Guidelines

	Recycle container-storage		ge	Current final destination			
Material recycled	Вох	Metal bin	Reel- Coil	Domestic	International	Country-State	
CATV mixed	Y	Y	Y		Υ	China	
NW Cu bearing	Y	Y	Y		Y	China	
CR cable	Y		Y		Y	China	
CR core	Y		Y		Υ	China	
Lowend Drop	Y		Y		Y	China	
Lowend Drop	Y		Y	Y		AL	
1350 AL strip	Y	Y		Y		IN, MO, NC, PA	

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5. REFERENCES

- 5.1. EPA section; Reduce, Reuse, and Recycle guidelines
- 5.2. Catawba Scrap Disposition Instructions, PWI 005-0601
- 5.3. Catawba Scrap Reporting Procedures PWI 005-600
- 5.4. Catawba EHS Recycle Materials Disposition.

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CommScope Job Description

Job Title:

Recycling & Conservation Manager

Division:

Procurement

FLSA Status:

Exempt

Reports To:

Vice President, Procurement

General Summary:

Manage CommScope's recycling and conservation efforts to include communication, training, and development of policies, practices, and procedures to conserve resources. Establish and monitor waste stream separation of plastics, metals and paper products. Coordinate continuous improvements in waste reduction and recycling. Manage the return of reels for reuse and the sale of scrap.

Duties and Responsibilities:

- · Maximize revenue stream from sales of scrap recyclables.
- Maintain relationship with domestic and international buyers of scrap and waste.
- Minimize cost incurred to dispose of unmarketable scrap and waste
- Develop and implement systems to separate reusables and recyclables from waste stream to use, recycle, or sell.
- Negotiate contract custodial services for office areas.
- Direct plant custodians.
- Purchase and inventory custodian supplies for plant and office.
- Direct grounds maintenance and continuous improvement of outside appearance.
- Encourage environmental awareness throughout organization.
- Reduce use and abuse of gloves, tools, energy, and supplies through teams and training.

CommScope Manufacturing Facilities USEPA RCRA Numbers